

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LYNNE HOUSERMAN,

Plaintiff,

v.

COMTECH TELECOMMUNICATIONS
CORPORATION, FRED KORNBERG, AND
MICHAEL D. PORCELAIN

Defendants.

TELECOMMUNICATION SYSTEMS, INC.,
Plaintiff,

v.

LYNNE HOUSERMAN AND MOTOROLA
SOLUTIONS, INC.,

Defendants.

**CONSOLIDATED UNDER
NO. 2:19-CV-00644-RAJ**

NO. 2:19-CV-00336-RAJ
NO. 2:19-CV-00644-RAJ

ORDER ON MOTION TO
EXCLUDE CERTAIN OPINIONS
OF TODD MILBOURN, PH.D.

This matter comes before the Court on a motion to exclude certain opinions of damages expert, Todd Milbourn, Ph.D., filed by Defendants Lynne Houserman and Motorola Solutions, Inc. (“Motorola”) in *TeleCommunication Systems, Inc. v. Houserman*

1 *and Motorola Solutions, Inc.*, Case No. 2:19-cv-00336-RAJ. T-Dkt.¹ # 108. Plaintiff
 2 TeleCommunication Systems, Inc. (“TCS”) opposes the motion. T-Dkt. # 117. After the
 3 briefing on this motion was complete, this case was consolidated with *Houerman v.*
 4 *Comtech Telecommunications Corp., et al.*, Case No. 2:19-cv-00644-RAJ, which was
 5 designated as the lead case on December 7, 2020. H-Dkt. # 143.

6 In this motion, Ms. Houerman and Motorola seek to exclude the opinions and
 7 calculations of Dr. Milbourn, specifically as they relate to Ms. Houerman’s alleged
 8 breach of her non-compete agreement with her prior employer, TCS. T-Dkt. # 108 at 2.
 9 These opinions and calculations are contained in Section VI of Dr. Milbourn’s Report.
 10 *Id.* at 10. There is no need for the Court to address Dr. Milbourn’s calculations or
 11 methodology for measuring damages, however, because the Court has concluded that the
 12 non-compete agreement at issue is unenforceable. *See* T-Dkt. # 176. The Court finds
 13 that the motion to exclude is therefore moot and **DENIES** it accordingly.

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 15 DATED this 3rd day of February, 2021.

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19 The Honorable Richard A. Jones
 20 United States District Judge
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26 ¹ “T-Dkt.” refers to filings in *TeleCommunication Systems*, while “H-Dkt.” refers to
 27 filings in *Houerman v. Comtech Telecommunications Corp., et al.*, Case No. 2:19-cv-
 00644-RAJ.